

D# 32 SEPA CATEGORICAL EXEMPTIONS

General Description

The City of Renton Planning Division made this docket item request. It proposes amending the State Environmental Policy Act (SEPA) categorical exemptions for minor construction in Title IV. SEPA allows for jurisdictions to adopt categorical exemptions within a range. Staff examined the adopted exemption levels for dwelling units, other construction by square footage, parking lots, and landfill/excavation and compared them to other local jurisdictions and the maximum of the allowable range.

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

Not applicable. The proposed changes would not affect the rate of growth or rate of development.

Effect on the City's capacity to provide adequate public facilities

Not applicable. There are no anticipated effects on the City's capacity to provide adequate public facilities created by the proposed changes.

Effect on the rate of population and employment growth

Not applicable. There are no anticipated effects on the rate of population and employment growth created by the proposed changes.

Whether Plan objectives are being met as specified or remain valid and desirable

The Comprehensive Plan objectives are being met, as specified. In the Environmental Element, the summary states that "The purpose of the environmental policies is to provide the policy background and basis for future environmental actions by the City of Renton as it attempts to balance urbanization, economic development, and natural area protection". Further, the Element states that "Environmental policies will be implemented through economic development decisions, critical areas regulations, and incentives for environmental protections". This docket recommendation helps to meet the goal of balancing urbanization with protection of the environment through the existing critical areas regulations. Increasing the SEPA exemption threshold to nine dwelling units would not remove requirements for compliance with the critical areas regulations. It may, in fact, facilitate a more refined balance of urbanization with protection of the natural area by removing a layer of administration for small projects while still utilizing the critical areas regulations to protect the environment.

Effect on general land values or housing costs

Not applicable. There are no anticipated effects on general land values or housing costs created by the proposed changes.

Whether capital improvements or expenditures are being made or completed as expected

Not applicable.

Consistency with GMA, the Plan, and Countywide Planning Policies

The proposed changes are consistent with the Growth Management Act (GMA), the Comprehensive Plan, and Countywide Planning Policies. This docket recommendation relates to two specific goals of GMA: to concentrate urban growth and to protect the environment. The proposed change meets both of these goals by removing a layer of administration for development of nine or fewer dwelling units while protecting the environment through the use of the critical areas regulations.

Effect on critical areas and natural resource lands

The proposed changes would not have any effects on critical areas and/or natural resource lands. This item is discussed further in the staff recommendation section.

Effect on other considerations

Not applicable.

Staff Recommendation

Staff recommends adjusting the categorical exemption for construction or location of any residential structure from four dwelling units to equal to or smaller than nine dwelling units. Staff also recommends leaving the other types of construction that are available for flexible thresholds unchanged. A threshold of nine dwelling units is a mid-point in the range that is allowed under SEPA's flexible thresholds. (The range is four to twenty dwelling units.) A threshold of nine dwelling units also coincides with the threshold for a short plat in the City. The maximum number of lots that can be divided as a short plat is nine. So, under the proposed adjustment a project that included the construction of nine dwelling units would be processed as a short plat and would not be required to go through the SEPA process.

Staff also recommends making several text changes to the Environmental Review Procedures section (RMC 4-9-070). As mentioned previously, the bulk of the current procedures were adopted in 1985 and while there have been a handful of minor amendments made to the procedures since then, there are many portions of the code that are inaccurate or outdated. For example, there are references to sections of the Washington Administrative Code (WAC) that have been stricken from the WAC and/or references to sections that seem to have been changed since the 1985 adoption date. All of these types of changes to the text are clean up in nature and none are substantive.

The SEPA flexible thresholds allow ranges as follows:

Type of Construction	Threshold Minimum	Threshold Maximum
Construction or location of any residential structures	4 dwelling units	20 dwelling units
Construction of an office, school, commercial, recreational, service or storage	4,000 square feet with parking for 20	12,000 square feet with parking for 40

building	vehicles	vehicles
Construction of a parking lot	20 vehicles	40 vehicles
Landfill or excavation throughout the lifetime of the fill or excavation	100 cubic yards	500 cubic yards

As shown in the table below, the City of Renton is at the minimums in all four categories, except landfill or excavation. Four jurisdictions have thresholds for dwelling units that is the minimum of the range, two have adopted the maximum, and five others have adopted a number that is between the minimum and the maximum. The majority of the jurisdictions sampled have the same flexible thresholds for the other types of construction as the City currently has. These thresholds are the minimums in square footage of other types of construction (4,000 sq. ft.), the minimum number of spaces in a parking lot (20 spaces), and the maximum in the cubic feet of landfill/excavations (500 cubic feet).

Jurisdiction	Dwelling Units	Other (Square Feet)	Parking Lot (Spaces)	Landfill/Excavation (Cubic Feet)
Auburn	20	12,000	40	500
Bainbridge Island	4	4,000	20	100
Bellevue	10	4,000	20	500
Bothell	4	4,000	20	500
Federal Way	9	4,000	20	500
Issaquah	4	4,000	20	100
Kent	12	12,000	40	500
Kirkland	9	4,000	20	500
Redmond	20	12,000	40	500
Renton	4	4,000	20	500
Tukwila	9	12,000	40	500
Average	10.1	7,200	28	420
Count of Minimums	4	7	7	2
Count of Maximum	2	4	4	9
Other	5	n/a	n/a	n/a

Justification for Recommendation

There are many requirements that the construction of nine dwelling units would be required to comply with, regardless of whether or not a SEPA review is conducted. For example, short plats (nine or fewer dwelling units) must comply with the environmental considerations specified in RMC 4-7-130 (Attachment A). Those considerations do not allow development on steep slopes or land that is subject to flooding (unless approved by the State). They also specify that tree retention and land clearing regulations must be followed, as well as, streams shall be protected.

Therefore, even without SEPA review a project would be required to comply with these regulations that are intended to ensure the protection of the environment.

Additionally, compliance with the City's critical areas regulations would be required of any development regardless of size. The critical areas regulations would not allow development within areas designated as critical and would protect areas that act as buffers. Critical areas include: wetlands, streams, lakes, aquifer protection areas, flood hazard areas, geologic hazard areas, and critical habitats. The current adopted City of Renton critical areas regulations were adopted in 2004 following a review of the best available science and the current regulations are aligned with that best available science review. The bulk of the current SEPA procedures were adopted in 1985. At that time, the City's critical areas regulations were not aligned with the best available science and it was appropriate for the threshold for the development of dwelling units to be set at the minimum number to ensure that environmental concerns would be captured. However, now that the critical areas regulations are aligned with the best available science it is appropriate to raise the threshold, while still keeping it well below the allowable maximum, to nine dwelling units.

For development that is nine dwelling units or fewer, the process of going through a SEPA review adds a layer of administration and time without necessarily adding a layer of protection for the environment. The SEPA process considers the cumulative impacts the proposed development would have on the environment and can include mitigation to the impacts if appropriate. The difference between a threshold of nine dwelling units, as compared with four dwelling units, does not increase the level of development to a range that makes the cumulative impacts more appropriate to evaluate than at four dwelling units. Cumulative impacts are more appropriately addressed for projects that are more substantial in size and/or in land use. Additionally, if mitigation is appropriate due to impacts to critical areas it would still occur as part of the critical areas ordinance.

Finally, the recommended threshold of nine dwelling units is in the middle of the range that is allowed by the State. In determining the range that would be allowable, the State evaluated the levels at which development would have environmental impacts that should be evaluated for the cumulative impacts that they have on the environment. The State determined that twenty dwelling units was that benchmark and have allowed jurisdictions to make policy decisions to determine what level below that benchmark is most appropriate for their jurisdiction. In the City of Renton the critical areas regulations have been updated since the initial exemption was set at four dwelling units. At this time it is a reasonable policy decision for the City to set the exemption from SEPA evaluation for dwelling units at nine or fewer.